United Nations S/2009/690

Security Council

Distr.: General
5 January 2010

Original: English

Letter dated 30 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone (see annex), which contains an account of the Committee's activities during the period from 1 January to 31 December 2009. The report is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) **Le Luong Minh**
Chairman
Security Council Committee established pursuant
to resolution 1132 (1997) concerning Sierra Leone

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Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) of 8 October 1997 concerning Sierra Leone covers the period from 1 January to 31 December 2009.

2. For 2009, the Bureau consisted of Le Luong Minh (Viet Nam) as Chairman, with the delegations of the Libyan Arab Jamahiriya and Turkey providing the Vice-Chairpersons.

II. Background information and summary of the work of the Committee

A. Background information

3. By its resolution 1132 (1997), the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel as well as petroleum and petroleum products. By the same resolution, the Council also imposed travel restrictions on members of the military junta and adult members of their families, and decided to establish a Committee to oversee the implementation of the measures.

4. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo. By its resolution 1171 (1998) of 5 June 1998, the Council confirmed the removal of sanctions on the Government and reimposed the arms embargo on non-governmental forces, as well as the travel ban on leading members of the Revolutionary United Front (RUF) and of the former military junta. The Council also decided that States would notify all exports from their territories of arms or related materiel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone would mark, register and notify to the Committee all imports made by it of those items, and that the Committee would report regularly to the Council on notifications so received.

5. In its resolution 1306 (2000) of 5 July 2000, the Council decided, inter alia, that all States should, for an initial period of 18 months, prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory. In the same resolution, the Council also decided that diamonds controlled by the Government of Sierra Leone through the certificate of origin regime would be exempt from those measures. The prohibitions on diamonds not controlled by the certificate of origin regime were extended for additional periods of 11 months and 6 months, respectively, by resolutions 1385 (2001) of 19 December 2001 and 1446 (2002) of 4 December 2002.

6. On 5 June 2003, the President of the Security Council read out a statement to the press in which he noted, inter alia, that in the light of the increased efforts of the

Government of Sierra Leone to control and manage its diamond industry and ensure proper control over diamond-mining areas, as well as the Government's full participation in the Kimberley Process, the members of the Council had agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime.

7. With the expiration of the diamond sanctions, the mandate of the Committee is once again wholly contained in resolution 1171 (1998). The prohibitions on the provision of arms and related materiel to non-governmental forces and the travel restrictions imposed by that resolution remain in force.[1]

8. By its resolution 1793 (2007) of 21 December 2007, the Council decided to exempt from the travel ban the travel of any witnesses whose presence at trial before the Special Court for Sierra Leone is required.

B. Summary of the activities of the Committee

9. Although the Committee held no formal meetings or informal consultations during the reporting period, it was able to successfully carry out its work through written procedures. During the period under review, the Committee received seven notifications of exports of arms and related materiel to Sierra Leone pursuant to paragraph 4 of resolution 1171 (1998).

10. In a letter dated 14 August 2009, the Permanent Mission of Canada to the United Nations, in view of Canada's role as Chair of the Management Committee for the Special Court for Sierra Leone, forwarded to the Committee Chairman two letters dated 13 and 14 August 2009, from the Acting Registrar and the President of the Special Court for Sierra Leone, respectively. Both letters contained a request to the Committee to grant a waiver of the travel restrictions imposed by paragraph 5 of Security Council resolution 1171 (1998) to allow for the transfer to Rwanda of three listed individuals who had been convicted by the Special Court for Sierra Leone (Messrs. Brima Bazzy Kamara, Alex Tamba Brima, S. B. Khanu (Kanu, Santigie Borbor)) for the enforcement of their sentences.

11. In a letter dated 26 August 2009, the Chairman informed the Permanent Representative of Canada to the United Nations that the Committee had no objection to the above-mentioned travel ban waiver request, and he also specified the information the Committee wished to receive prior to the transfer of the above-mentioned individuals from Sierra Leone to Rwanda (passport details, date and time of departure, complete itinerary, mode of transport and expected duration of stay in Rwanda). In the same letter, the Chairman recalled a previous communication, dated 14 December 2007, by which the Committee had informed the Registrar of the Special Court for Sierra Leone that the Committee would consider and respond to travel ban waiver requests for the enforcement of sentences submitted to it through the Permanent Mission to the United Nations of the receiving State. The Chairman indicated, however, that owing to the particular circumstances of the case, the Committee had agreed to consider, and subsequently to accede to, the request.

12. In a letter dated 26 October 2009, the Permanent Representative of Rwanda to the United Nations forwarded to the Chairman of the Committee a letter, dated

[1] The latest version of the travel ban list is available from the Committee's website at: http://www.un.org/sc/committees/1132/tblist.shtml.

26 October 2009, from the Acting Registrar of the Special Court for Sierra Leone containing a request to the Committee to grant a waiver of the travel restrictions imposed by paragraph 5 of Security Council resolution 1171 (1998) to allow for the transfer to Rwanda of two listed individuals who had been convicted by the Special Court for Sierra Leone (Messrs. Morris Kallon and Issa H. Sesay) for the enforcement of their sentences.

13. In a letter dated 28 October 2009, the Chairman informed the Permanent Representative of Rwanda to the United Nations that the Committee had acceded to the requested waiver of the travel restrictions, and he also specified the information the Committee wished to receive prior to the transfer of the above-mentioned individuals from Sierra Leone to Rwanda.

14. In letters dated 27 and 29 October 2009, respectively, the Acting Registrar of the Special Court for Sierra Leone provided the Committee with relevant information in connection with the transfer of the five listed individuals from Sierra Leone to Rwanda for the enforcement of their sentences.

15. On 4 November 2009, the Acting Registrar of the Special Court for Sierra Leone informed the Chairman of the Committee that the five listed individuals convicted by the Special Court for Sierra Leone for whom travel ban waivers had been granted had been transferred to the Republic of Rwanda for the enforcement of their sentences on 31 October 2009.

C. Violations and alleged violations of the sanctions regime

16. During the reporting period, no violations or alleged violations of the sanctions regime were brought to the attention of the Committee.

III. Observations

17. In the light of the suggestion by the Government of Sierra Leone, which had been received in 2008, regarding the review of the notification requirements for the delivery of arms or related materiel to Sierra Leone set out in paragraph 4 of resolution 1171 (1998), the Chairman encourages members of the Committee and the Security Council to continue consultations to determine the appropriate time to streamline the legal basis for sanctions in Sierra Leone and to possibly terminate the measures altogether at a time the Council members deem appropriate.